

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GUSTAVO BERMUDEZ,

Plaintiff,

-against-

07 Civ. 9537 (HB)

CITY OF NEW YORK POLICE DEPARTMENT AND  
THE UNITED STATES DRUG ENFORCEMENT  
ADMINISTRATION,

Defendant.

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**David Hazan**, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant New York City Police Department. As such, I am familiar with the facts set forth below.
2. This declaration is submitted in support of defendant New York City Police Department's motion to dismiss plaintiff's complaint, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.
3. A copy of plaintiff's Complaint, dated October 24, 2007, is annexed hereto as Exhibit "A."
4. A copy of defendant New York City Police Department's Answer to plaintiff's Complaint, dated January 22, 2008, is annexed hereto as Exhibit "B."

5. A copy of defendant New York City Police Department's "safe harbor" letter to plaintiff's counsel, dated February 7, 2008, is annexed hereto as Exhibit "C."

Dated: New York, New York  
February 19, 2008

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendant New York City Police  
Department  
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By: David M. Hazan  
David M. Hazan (DH-8611)  
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